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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Amador)

In re R.V. et al., Persons Coming Under the Juvenile
Court Law.

C090261

AMADOR COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

(Super. Ct. Nos. 09DP00301,
09DP00302, 17DP00656,
17DP00657)

Plaintiff and Respondent,

v.

H.F.,

Defendant and Appellant.

H.F., mother of the four minors (mother), appeals from the juvenile court's order awarding father sole legal and physical custody of the minors, terminating dependency jurisdiction, and suspending visitation between mother and the two eldest minors. (Welf.

& Inst. Code, §§ 364, 395; further unspecified statutory references are to this code.) We will affirm the juvenile court's orders.

FACTS AND PROCEDURAL HISTORY

A. Prior Dependency Proceedings

This family includes four minors: R., C., E., and H. The family first came to the attention of the Amador County Department of Social Services (Department) in February 2009 due to mother's physical abuse of then 20-month old R. A dependency petition, filed on behalf of R. and his 7-month old sibling C. (minors E. and H. had not yet been born) pursuant to section 300, subdivisions (a) and (j), alleged serious physical harm to R. due to mother hitting or "flicking" R. on the mouth as a means of discipline, and abuse of sibling as to C. The two minors were eventually placed with father under a plan of family maintenance and reunification services were ordered for mother.

Over the course of the next year, mother made substantial progress in her case plan and the two minors were returned to the care of both parents under a plan of family maintenance. Thereafter, the parents successfully reunified with the minors and the court terminated dependency jurisdiction.

B. Current Dependency Proceedings

In April 2017, the Department filed new dependency petitions pursuant to section 300, this time on behalf of R. (nine years old) and C. (eight years old) and their two younger siblings, E. (four years old) and H. (six months old).

The petitions filed on behalf of the four minors were virtually identical, alleging serious physical harm pursuant to section 300, subdivision (a), due to the following: mother's physical abuse of R., including hitting him in the face numerous times with a brass cup, "stomping" on his face with her foot, and restraining him with her foot on his chest; mother disciplining R.'s sibling E. by hitting him with a wooden spoon, "flick[ing]" him in the mouth, and "smack[ing]" his head; and mother's history of

physical abuse against R., as evidenced by the 2009 dependency case. The petitions also alleged failure to protect pursuant to subdivision (b) due to the minors' exposure to ongoing domestic violence between the parents and mother's history of physical abuse. The petitions further alleged serious emotional damage pursuant to subdivision (c) due to mother's failure to provide R. with counseling or services to treat R.'s serious depression and mother's threats to R. and C. that they would be sent to foster care as punishment.

On April 10, 2017, the court ordered the four minors detained. The court also ordered supervised visitation for mother, but no visits for father who was subject to a criminal protective order due to pending criminal charges for domestic violence.

According to the jurisdiction/disposition report, the minors were doing well in their respective placements. Mother appeared to have unaddressed mental health issues and, although she had taken multiple parenting classes, she did not demonstrate an ability to properly discipline her children. The Department recommended a psychological evaluation for mother to assess what services could be provided to help mother reunify with and safely parent the minors. It was noted that mother previously participated in all of the services the Department would normally recommend "and yet continues to engage in the same behaviors that brought her before the Court including hitting her children in the face." It was also noted that mother displayed behavior suggesting she might have mental health issues interfering with her ability to parent the minors or benefit from services.

On May 23, 2017, the court sustained the amended petitions after striking the subdivision (a) and (c) allegations, continued the four minors in out-of-home placement (with the two eldest minors placed together in one home and the two youngest minors placed together in another), and ordered a psychological evaluation for mother.

C. Mother's Psychological Evaluation Results

A psychological evaluation report, prepared by Dr. Deborah Schmidt, stated mother described herself as having anxiety and panic attacks and experiencing agoraphobia during her first pregnancy. She denied the allegations in the petition that she physically abused the minors, but acknowledged that, when R. was younger, she flicked him in the face when he bit her.

Dr. Schmidt concluded mother was defensive and in denial of her psychiatric symptoms, which prevented accurate diagnosis. Dr. Schmidt determined it was possible mother had a generalized anxiety disorder which was likely exacerbated by stressors. Mother's thinking tended to be rigid and inflexible and she tended to rationalize her behaviors and was not open to input. Mother also exhibited narcissistic tendencies and often blamed others for her difficulties. Mother minimized the extent to which she ever abused or experimented with substances, and it was not clear to Dr. Schmidt whether mother was being completely open and honest regarding her substance use.

Regarding mother's parenting abilities, Dr. Schmidt concluded that mother "possesses the capability of being able to come up with adequate solutions to implement when dealing with some childhood situations, but not others, and that she lacks an awareness of critical issues underlying different situations. Some of her responses were very brief and not well thought out. In a couple of situations involving children exhibiting problematic behavior, she stated that she did not think there was a problem."

Dr. Schmidt further concluded that mother "repeatedly failed to protect her children from being exposed to ongoing conflict and domestic violence . . . and . . . also failed to protect them from their father's drug use and erratic behaviors." Mother admitted she "swatted" the minors on their "butts" as a form of discipline but claimed she stopped all physical punishment following the 2009 dependency case. Dr. Schmidt found it concerning that mother "did not take responsibility for any physical abuse of her

children” and her denials of physical abuse were inconsistent with the reports made by the minors. Dr. Schmidt was also concerned that mother made “some apparently bizarre and exaggerated statements about [H.] having liver failure as a result of drinking formula when there was no medical evidence to support her allegations.”

Dr. Schmidt concluded mother was not currently capable of being a safe parent for the minors due to her denial of and failure to take responsibility for any physical abuse of the minors, her failure to protect the minors from exposure to father’s substance abuse and bizarre behaviors, and her failure to protect the minors from exposure to ongoing domestic violence and conflict between the parents. She opined that mother’s prognosis for being able to make the needed changes to become a safe parent within the next six to 12 months was “only fair to poor,” and recommended mother participate in lengthy anger management groups, multiple parenting classes, and intensive individualized psychotherapy, and that mother continue to be monitored by her psychiatrist to determine the efficacy of her psychiatric medication in alleviating her symptoms.

At the July 27, 2017 disposition hearing, father’s counsel reported that father had completed his parenting class and alcohol and other drug (AOD) assessment, was participating in codependency counseling, and underwent a behavioral health assessment. The court ordered the minors remain in out-of-home placement, with reunification services and supervised visitation for the parents. At that time, the four minors were placed together with their paternal cousin.

On November 3, 2017, the Department filed a petition pursuant to section 388 requesting discretion to liberalize father’s visits with the minors to unsupervised and overnights, and to increase mother’s visits and change them to therapeutic visits to provide mother with more time and provide healthy support to make visits more appropriate. The Department explained that father’s visits were going well, he was appropriate, and he was able to give appropriate attention to all four minors, who were eager to spend more time with him. Mother’s visits, on the other hand, had not been

productive despite efforts of the parenting coach and the worker's assistance. Mother was encouraging negative behavior from the minors and was unable to handle all four minors during her visit. Based on the parties' agreement, the court granted the section 388 petition.

The status review report filed December 27, 2017, recommended the minors remain in out-of-home placement with an anticipated return to father's care in 90 days. Following Dr. Schmidt's psychological evaluation, mother agreed to complete intensive anger management group, work with the parent coach, take multiple parenting classes, and complete intensive individual psychotherapy. Mother completed 26 hours of anger management classes and was beginning to make small breakthroughs. She also made some progress in parenting classes. However, when the parenting class instructor provided mother with goals identified through observation of mother's visitation with the minors, mother refused to follow the goals and "caused a scene," yelling at the instructor. Mother was referred to behavioral health and was accepted for services. However, mother requested to change providers and did not regularly attend therapy. She participated in a medication evaluation by a psychiatrist, who diagnosed her with major depressive disorder and requested that she return for an appointment. Mother had yet to schedule an appointment or be seen by the doctor. The Department recommended termination of mother's services.

Father completed the majority of his services and was actively engaged in anger management classes. He completed a mental health assessment and an AOD assessment, both of which concluded he was not in need of services.

The social worker met with the two eldest minors following a December 17, 2017, weekend visit to assess how they felt visits were going. R. reported he was "tired of dealing with his mother and her calling him names," and said mother "needs to learn how to talk to [the minors] without being so negative." R. stated he wanted to return to father

and for mother to “get more help.” C. reported he eventually wanted to return to father but was enjoying visits with mother.

The Department determined the minors continued to be at high risk for abuse or neglect if returned to mother, noting that although mother made some progress in services, she lacked an understanding of how her behaviors impacted the minors. She was unable to maintain emotional stability for the minors, causing them to reflect her anxiety and negative behaviors and to withdraw. Father was still working on services and was not yet ready for return of the minors, but the Department wanted to create a healthy transition for father, which would be closely monitored. The Department noted that father needed to continue to work on his unhealthy relationship with mother and learn to set boundaries. There was concern that, without continued support, father would return to mother or another relationship that could be disruptive and unhealthy. A reunification assessment conducted in December 2017 revealed the risk of future maltreatment of the minors was less likely if returned to father than if returned to mother.

At the February 8, 2018 contested review hearing, the court heard testimony from various witnesses including mother. The court ordered continued services for father, termination of services to mother, and continued supervised visits for mother.

At an interim review hearing on April 26, 2018, the court ordered the minors temporarily returned to father, who was admonished not to discuss the case with the minors. The court further ordered that mother’s visits remain supervised, giving the Department discretion to liberalize the visitation schedule.

The status review report filed May 4, 2018, recommended the minors continue in father’s care with family maintenance services to help the minors and father adjust. The Department had concerns about mother’s request for increased visits due to the fact that mother was causing distress to the minors both before and after visits and having inappropriate conversations with the minors. It was noted that while mother participated in services, she failed to show an ability to follow through with the tools she learned. It

was also noted that, while father had shown an ability to provide safety, stability, and protection for the minors in his home, continued support from the Department would be necessary to help the minors adjust to being in father's home full-time.

The court ordered permanent return of the minors to father's custody at the 12-month review hearing on May 10, 2018. At that time, the court ordered all contact with mother be supervised, and prohibited mother from attending the minors' medical appointments without Department supervision.

Counsel for the three eldest minors filed a section 388 petition on July 26, 2018, seeking to suspend mother's visits and telephone calls. The petition alleged mother's visits and telephone calls with the minors were not going well, the minors' behavior had been very disruptive, and R. told the social worker he did not want to have further visits with mother. Following a hearing on the petition a month later, the court ordered that R. and C. would have separate visits with mother and E. and H. would have joint visits as well as separate visits with mother. The court encouraged mother to write letters to the minors which would then be shared with the minors during therapy. The court suspended mother's telephone calls with the minors and ordered the Department to determine, with the minors' counselor, when it was appropriate to resume telephone contact.

The status review report filed October 31, 2018, recommended that visitation continue as scheduled. C. told the social worker he was happy seeing mother one-on-one and liked having visits alone with her. He did not want to change the visitation schedule and enjoyed having all of his mother's attention. R. stated visits were "just okay" and refused to discuss the matter further. E. said visits were "good," but father informed the social worker that E.'s behavior was "elevated" after visits and he required time to return to his regular routine.

The Department reported that mother continued to show minimal progress in her ability to interact appropriately with the minors while she claimed she did nothing wrong

and blamed father for the situation. Father showed the ability to provide safety, stability, and protection for the minors, but the Department felt continued support was necessary.

The six-month family maintenance review hearing commenced on November 8, 2018. The court commended father on his efforts and his commitment to the minors. The Department echoed that sentiment, noting the family was “very near closure” but the Department needed to remain involved in order to provide extra support. The court ordered six months of additional maintenance services. The court further ordered that the Department have discretion to liberalize mother’s visitation schedule with respect to one-on-one visits with R. and C., with input from minors’ counsel on the minors’ wishes.

On April 11, 2019, the court granted mother’s request to represent herself.

The status review report filed May 22, 2019, recommended the court grant father full legal and physical custody of the minors, terminate dependency jurisdiction, and order supervised visits for mother. The Department stated mother had recently displayed a decline in her mental health, as evidenced by her calls to the Department claiming the court had “taken away” her attorney and given the attorney to father, the minors were being “beaten and abused” by father, and “everyone” was “conspiring” against her, including the Department, the court, and the attorneys. Mother also placed calls to the Amador County Sheriff’s Department and the Jackson Police Department claiming the minors were abused by their father two years prior and Child Protective Services had done nothing about it and requesting an investigation. Mother called the Department’s program manager and provided false information that the minors were being abused and neglected while in the care of father, and made similar reports to several service providers, including school staff and medical providers as recently as May 13, 2019.

During visits with the minors, mother constantly questioned the minors about their hygiene and commented on how “filthy” they were. Mother regularly offered the younger minors treats in exchange for doing something she wanted, including taking pictures of the minors. This upset E. when he did what mother asked but did not get the

promised reward. C. told the social worker he was happy with visits and would be amenable to combining his visits with R., who was also amenable to combining visits with C. but not with E. because “she [mother] doesn’t know how to handle [E.]”

R. initially told the social worker visits were going “okay” but, on May 7, 2019, stated he wanted to go to court to talk to the judge about ending his visits with mother altogether, noting he did not want to see mother anymore. R. explained he “just can’t get over the thought of how she abused him when he lived with her” and he “doesn’t want to forgive her because ‘how could you do that to your kid?’ ”

E. continued to tell the social worker that visits with mother were “no good” because mother “makes me do things I don’t want to do,” adding, “I just want to play and she makes me do other things and it makes me really mad.” E. stated he “hates visits and doesn’t want them” and refused to discuss the issue further. Several months later, E. stated visits were “horrible” because he “hates to go” and there was “nothing” he liked about the visits.

Both R. and C. reportedly told the social worker numerous times that they wanted the case to be closed, they were happy with their current custody situation, and they just wanted to “be normal” and not have “people always checking on us.”

Father completed his counseling and was displaying the ability to use the tools he learned in his communication with others. He was also learning to work on relationships with other adults and utilize his support system, and he sought out additional help to learn new ways to parent E.’s behaviors.

The Department concluded father had made substantial progress and was able to meet the needs of the minors, reach out for resources as needed, and provide a safe and protective environment for the minors. On the other hand, mother had made only minimal progress in the prior two years and as a result was still limited to supervised visits with the minors. The Department felt mother’s untreated mental health issues

needed to be addressed by seeking treatment to learn skills on coping and how to manage her mental health appropriately.

D. Six-Month Family Maintenance Review Hearing

On May 23, 2019, the court gave its tentative ruling that it intended to issue permanent custody orders in favor of father and terminate dependency jurisdiction. The court impressed upon mother the seriousness of the ruling, admonished her that permanent orders would be difficult, if not impossible, to change, appointed counsel for her, and continued the hearing.

The continued hearing proceeded on June 13, 2019. While mother was not present, her counsel was, as were father, and the two eldest minors and their respective counsel. The court granted father sole legal and physical custody of the four minors and terminated dependency jurisdiction. Mother's counsel informed the court that mother was amenable to father having full physical custody so long as the parents shared legal custody of the minors. The Department acknowledged having had some discussions with mother's counsel about the possibility of shared legal custody but noted the Department's recommendation was clear as to sole physical and legal custody to father with some flexibility in what rights mother would retain with respect to receiving information about the minors. The court reiterated its order granting father sole legal and physical custody.

With respect to visitation with R. and C., the Department noted mother's current visitation schedule was twice-monthly with each child separately and recommended that the schedule be reduced to once-monthly with each child separately. Counsel for R. and C. informed the court that both minors expressed their desire not to have any further visits with mother. Father's counsel requested that all visits with mother be supervised at mother's expense, acknowledged the request by R. and C. for no further visitation, and stated father "does not want the children to be forced to visit with their mother if that is not what they want if it is not a positive experience for them." Mother's counsel

requested that visitation remain the same and, given the expense of having visits professionally supervised, offered that visits be supervised by a person of father's choosing.

The court ordered continued monthly visitation between mother and the two younger minors, E. and H., supervised at mother's expense. With regard to R. and C., the court stated as follows: "For [R. and C.], these kids have previously requested that the Court not order them to visit with their mother. The Court understands that it is really difficult for them to visit with their mom. They have some lingering emotional distress from previous interactions with their mom. And we met with them in chambers [last August] [¶]. . . . [¶] [a]nd they sort of reluctantly agreed to spend time with their mom. The kids are 10 and 11 now. Typically we don't give the kids' input that much weight at this age, but these kids have been through a lot. And I am going to comply with their request. And find that forced time with their mom would be detrimental to them at this time. [¶] If in the future they feel like they have developed and are able to handle the time with their mom, then they can let dad know, and we can set some starting with therapeutically supervised visits. [¶] For now, we will suspend [R.'s and C.'s] visits with mom."

The court noted that changing the "final custody judgement [*sic*]" would require a showing of changed circumstances and a finding that any change was in the minors' best interest. The Department requested that the court clarify, "If in the event that [C. or R.] desires to have a visit with the mother, would that require a change in the Court's orders to do that?" The court responded: "If the parties stipulate to that, the Court will incorporate into the findings and order the judgement [*sic*] that it will be up to the boys' discretion, and the Court would permit therapeutically supervised visits at the boys' discretion. So we will leave them that opening." After some discussion regarding other issues, the court reiterated its order for R. and C. was "no visits with mother" and "[w]hen the boys want to engage, the parents will set up therapeutically supervised

visits.” The court also stated the minors could initiate telephone and e-mail contact with mother and mother was not prohibited from attending school events, noting the minors had no obligation to have contact with mother if she chose to do so.

DISCUSSION

I

Custody Order

Mother contends the juvenile court abused its discretion when it awarded father sole legal custody of the four minors. She argues the failure to award joint legal custody to both her and father restricted her rights and will prejudice her in any future family law proceedings. The claim is unmeritorious.

Section 364, subdivision (a) provides the standard when “a child under the supervision of the juvenile court . . . is not removed from the physical custody of his or her parent or guardian” (see *In re Pedro Z.* (2010) 190 Cal.App.4th 12, 20), and when a child has been removed from the physical custody of a parent but later returned to the home under court supervision. (See *In re Shannon M.* (2013) 221 Cal.App.4th 282, 290-291; *Bridget A. v. Superior Court* (2007) 148 Cal.App.4th 285, 313-315 (*Bridget A.*))

At the section 364 review hearing, “the court is not concerned with reunification, but in determining ‘whether the dependency should be terminated or whether further supervision is necessary.’ ” (*In re Pedro Z., supra*, 190 Cal.App.4th at p. 20.) “The juvenile court makes this determination ‘based on the totality of the evidence before it.’ ” (*In re Aurora P.* (2015) 241 Cal.App.4th 1142, 1155.)

“When a juvenile court terminates its jurisdiction over a dependent child, it is empowered to make ‘exit orders’ regarding custody and visitation. [Citation.] Such orders become part of any family court proceeding concerning the same child and will remain in effect until they are terminated or modified by the family court. [Citation.]” (*In re T.H.* (2010) 190 Cal.App.4th 1119, 1122-1123.) In making an exit order, the

juvenile court must look to the best interests of the child under all the circumstances. (*In re John W.* (1996) 41 Cal.App.4th 961, 973 (*John W.*).)

We review a juvenile court's decision to terminate dependency and to issue exit orders for abuse of discretion. (See *Bridget A.*, *supra*, 148 Cal.App.4th at p. 300.) We will not disturb an exit order “ ‘ “unless the trial court has exceeded the limits of legal discretion by making an arbitrary, capricious, or patently absurd determination.” ’ ” (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318; *Bridget A.*, at p. 300.) The test for abuse of discretion is whether the juvenile court exceeded the bounds of reason. If two or more inferences can reasonably be deduced from the facts, we may not substitute our decision for that of the juvenile court. (*In re Stephanie M.*, at pp. 318-319.)

Here, the juvenile court did not abuse its discretion in issuing exit orders granting father sole legal and physical custody of the four minors and suspending supervised visitation between mother and the two eldest minors, R. and C.

Prior to issuing its permanent custody order, the court returned the four minors to father's custody temporarily based on father's completion of most services, his active engagement in the remaining services, and the fact that he was “utiliz[ing] the tools learned to provide a safe nurturing environment for the children.” On November 8, 2018, the court commended father on the “remarkable job” he was doing, emphasizing father's commitment to himself and to the minors. At the June 13, 2019 hearing, the court relied on the Department's status review report which documented father's successful participation in services, his use of the tools learned in those services, his appropriate reliance on his support system, and his acceptance of help when needed. The report also provided significant evidence regarding the apparent decline in mother's mental health and her failure to progress despite having participated in some services, and the resulting negative impact on the minors. As the court noted, “[M]other has not been able to assimilate any education and apply it to her own life. She is happy and willing to apply it to other people's lives. So that is why we are where we are today.” The court further

noted that mother “completed aspects of her case plan, but has not made progress in her behavior.”

There is significant evidence in the record to support the juvenile court’s determination that giving father full legal and physical custody of the four minors would be in the minors’ best interests. The dependency proceedings were initiated due to mother’s past and current physical abuse of the minors and domestic violence between the parents. Father engaged in and completed services and demonstrated his ability to apply what he learned to better himself and his relationship with the minors, to take responsibility for his part in the dependency case, to better care for and parent the minors, to seek out help from his support system when necessary, and to better communicate with mother.

Mother, on the other hand, failed to participate fully in services, apply any skills she may have learned to her interactions with the minors, the Department, service providers, or others, and did not demonstrate any insight into her behaviors or the reasons for removal of the minors from her care. For example, mother continued to interact inappropriately with the minors, she claimed she did nothing wrong, and she blamed father and others for her circumstances. She steadfastly denied any physical abuse of the minors. Her behaviors during telephone and in-person visits with the minors negatively affected the minors, causing them to request that visits with her cease. Due to her own failings, mother largely remained a detriment to the minor’s health and well-being.

Mother asserts there was no new evidence to support a change in the court’s prior order to limit mother’s rights. She also argues an award of joint legal custody would help facilitate her relationship with the minors. We reject both assertions. As set forth above, mother’s behaviors and conduct caused concern to Department staff, service providers, and the court and suggested a decline in her mental health that negatively impacted her interactions with the minors and others.

The juvenile court did not abuse its discretion in granting father sole legal and physical custody of the four minors.

II

Visitation Order

Next, mother contends the juvenile court erred when it suspended her visitation with R. and C. She claims there was insufficient evidence to support the finding that visitation would be detrimental to the minors. She further claims the court unlawfully delegated to the two minors the determination of whether visitation would occur at all. These claims too lack merit.

Again, a juvenile court has the power to make “ ‘exit orders’ ” regarding custody and visitation when it terminates dependency jurisdiction, which will remain in effect unless terminated or modified by a family law court. (*In re T.H.*, *supra*, 190 Cal.App.4th at pp. 1122-1123.) When terminating jurisdiction and issuing custody orders, the juvenile court must consider the best interests of the child. (*John W.*, *supra*, 41 Cal.App.4th at p. 973.) We review a juvenile court’s decision to issue exit orders for abuse of discretion. (See *Bridget A.*, *supra*, 148 Cal.App.4th at p. 300.)

Here, the court found “forced time” with mother would be detrimental to R. and C. and suspended her in-person visits with them. As a preliminary matter, mother argues the substantial evidence standard of review applies to the detriment finding. The Department argues abuse of discretion is the applicable standard of review but, in any event, the practical differences between the two standards are insignificant in this instance. As we shall explain, the court’s finding of detriment is supported under any standard of review.

As discussed above, as late as May 2019 mother reportedly failed to participate fully in services, apply any skills she may have learned to her interactions with the minors and others, take responsibility for any of the physical abuse she inflicted on the minors, or demonstrate having any insight into her behaviors or their negative impacts on

the minors. During visits, mother was constantly questioning the minors about their hygiene, telling them they were “filthy,” and offering them treats to get them to do what she wanted them to do. The juvenile court’s statement that R. and C. had “some lingering emotional distress from previous interactions with [mother]” was supported not only by the minors’ previous requests that visitation with mother be decreased or ceased altogether, but also by the reports that mother’s behaviors before, during, and after visits caused distress to the minors and resulted in their disruptive behavior, and by R.’s statement to the social worker that he could not “get over the thought of how [mother] abused him when he lived with her.” We conclude substantial evidence supports the court’s finding of detriment.

We further conclude the court did not abuse its discretion in suspending visitation with R. and C. At the June 13, 2019 hearing, the court ordered visitation suspended. The record demonstrates the court based its decision on its finding that mother’s behaviors were having a negative impact on the older minors, as well as the minors’ previous reluctance to spend time with mother despite their discomfort. In taking into account mother’s apparent decline in mental health, her inability “to assimilate any education and apply it to her own life,” and the negative impact her behaviors were having on the minors, the court clearly considered the best interests of R. and C. in ordering suspension of visitation. (*John W.*, *supra*, 41 Cal.App.4th at p. 973.)

Mother argues there was insufficient evidence the visits were detrimental to C., who informed the social worker in September 2018 that he liked having separate visits with mother and enjoyed having all of her attention, and in May 2019 stated he was happy with the current visitation plan. However, by the time of the June 13, 2019 hearing, both R. and C. had expressed to their attorney a desire not to have any further visits with mother.

Finally, mother’s claim that the juvenile court unlawfully delegated to R. and C. the discretion to determine whether visits would occur at all mischaracterizes the order.

As previously discussed, the order suspended mother's visits with R. and C. based on mother's behaviors and the impact of those behaviors on the minors, as well as mother's inability throughout the proceedings "to assimilate any education and apply it to her own life." That order was not contingent upon the minors' discretion. While the court thereafter discussed the possibility that R. and C. might, in the future, find themselves better able to "handle the time with their mom" and suggested starting with therapeutically supervised visits if and when those circumstances arose, the court reiterated that the current order was to "suspend [R.] and [C.'s] visits with mom."

The court acted within its discretion to suspend visits between the two older minors and mother.

DISPOSITION

The juvenile court's orders are affirmed.

HULL, Acting P. J.

We concur:

DUARTE, J.

KRAUSE, J.